

Birmingham, Alabama 35228

March 16, 2010

U.S. EPA
Office of Civil Rights
1200 Pennsylvania Avenue SW
Washington, D.C. 20460 -1000

Re: Clarification of Compliant Information

Attention Ms. Helena Wooden –Aguilar,

This correspondence with your office is being written to bring clarity to your request to provide specific dates of the “discrimination and denial of participation” which I feel have been perpetrated on my privately owned company. The specific dates are as follows;

- On September 22, 2009 my privately owned company was discriminated on by the Greater Birmingham Regional Planning Commission(RPC) and the Alabama Partners for Clean Air(APCA)
- On December 31, 2009 my privately owned company and certified Disadvantaged Business Enterprise (DBE) was denied and excluded participation in the APCA program
- My application to receive DBE certification from the Alabama Department of Transportation was finalized on November 22, 2009, therefore I am at this time dropping the retaliation claim against ALDOT(though the process took over eight (8)months – *see attachment*

I would also add that, in my mind, the Executive Director of the RPC (Mr. Charles Ball) has a personal vendetta against me and my privately owned company due to our research, and outspokenness about local automotive and mobile source pollution. We feel that these actions work to hinder the successful development of a meaningful pollution prevention projects within the urban core city of Birmingham.

Since 2005, my company has been deliberately, intentionally and systematically denied participation in the APCA program. It is my contention that, without federal intervention to enforce and regulate Title VI of the Civil Rights Act the “good ole boy system” will continue to sustain the “self-perpetuating oligarchy”- of the privileged class. Against the backdrop of the Civil Rights movement, here in Birmingham, not much has changed socially or economically for minorities.

Due to my consistent exclusion from the labor market, my company has lacked the resources to compete in the local marketplace. Furthermore, the short time frames, deadlines and barriers imposed on my company have given me little time to seek needed

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recourses for bonding etc. etc. I feel that efforts to insure the minimum practicable opportunity to compete for contract work with the RPC/APCA are non existent at this time. Furthermore, in original RFP for the "grant project" there was not mention of bonding requirements. Needless to say, if these are the requirements for all contractors I have no problem; but to be singled out I feel that this discrimination, denial and exclusion of participation by the RPC/APCA. (*see attachments*)

When my privately owned company was audited by ALDOT - they stated that since I was not able to calculate an estimated overhead for previous work that they would waiver me for six months, then I could report the expenses from the project with the RPC/APCA. Therefore, if the funding agency did not require a bond for this personal service contract, then my question is why did the RPC/APCA do so? Mind you that all work would have to be invoiced through the RPC for approval so the risk would be minimal at the least.

Finally, the sustainability of my privately owned certified business, my family and the improvement of the urban city air quality could depend on my participation in this program. Local statistics show that 87.2% of all contracts go to the 'privileged class contractors' while 12% is left for others. Blacks receive less than 3% of all city contracts. Over 95% to 99% of all contacts given by the RPC/APCA go to majority (white) owned companies and organizations. Yet, when even one minority inner city DBE seek participation barriers of exclusion are in place to prevention our inclusion. Thanks for your time and consideration of this urgent Civil Rights matter.

Sincerely,

(b) (6) Privacy, (b) (7)(C) Enforcement Privacy

Attachments